

Service Date: June 29, 1980

DEPARTMENT OF PUBLIC SERVICE REGULATION  
BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MONTANA

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IN THE MATTER Of the Application	)	UTILITY DIVISION
Of MONTANA POWER COMPANY to	)	
Restructure Electrical Rates.	)	Docket No. 87.4.21
IN THE MATTER Of the Application	)	
Of MONTANA POWER COMPANY For	)	Docket No. 86.6.29
Authority To Implement an Electric	)	
Economic Incentive Rate.	)	
IN THE MATTER Of the Application	)	
Of MONTANA POWER COMPANY For	)	
Authority To Establish An Electric	)	Docket No. 85.9.40
Industrial Retention/Interruptible	)	
Rate For Stauffer Chemical Co.	)	
IN THE MATTER Of the Application	)	
Of MONTANA POWER COMPANY To Change	)	Docket No. 85.11.49
The Availability Criteria In The	)	
Electric Contract Tariff.	)	
IN THE MATTER Of the Complaint Of	)	
MONTANA REFINING COMPANY,	)	
Complainant,	)	Docket No. 86.12.50
vs.	)	
MONTANA POWER COMPANY,	)	
Defendant.	)	ORDER NO. 5340b

ORDER ON MOTION OF INDUSTRIAL INTERVENORS FOR  
RECONSIDERATION OF ORDER NO. 5340a

BACKGROUND

The Montana Power Company (hereafter MPC, Company, or Applicant) is a public utility furnishing electric service in the State of Montana, and is subject to the regulatory jurisdiction of the Public Service Commission (PSC or Commission). The Company serves approximately 242,000 electric customers in Montana. On April 9, 1987, MPC filed with the Commission its application for authority to restructure electric rates.

Pursuant to a Notice of Public Hearing, a hearing was held in Helena, Montana, commencing on Monday, November 2, 1987, and ending on Thursday, November 5, 1987.

On April 22, 1988, the Commission issued Order No. 5340 presenting its decision on the cost of service issues in this proceeding.

On May 5, 1988, the Commission issued a Notice of Staff action extending the deadline for Motions For Reconsideration to May 20, 1988.

On May 20, 1988 the Montana Consumer Counsel (MCC) submitted a Motion for Reconsideration of Order No. 5340.

On June 1, 1988, the Commission staff notified parties that, pursuant to delegated authority, the ten day time period found in ARM 38.2.4807(5) for action upon the Motion for Reconsideration filed by MCC had been waived.

On June 29, 1988, the Commission issued Order No. 5340a, on the Motion for Reconsideration of the MCC.

On July 11, 1988, the Commission received the Motion of Industrial Intervenors for Reconsideration of Order No. 5340a.

On July 15, 1988, the Commission received the Montana Power Company's Response to the Motion of Industrial Intervenors for Reconsideration of Order No. 5340a. This response was submitted in support of the motion of the Industrial Intervenors.

Order No. 5340a Issues for Reconsideration

The July 11, 1988, Motion of the Industrial Intervenors specifically requests reconsideration of the Commission's acceptance of the MCC's proposal to allocate summer capacity-related costs to the customer classes based on the single largest summer peaking month. The Commission accepted the MCC's allocation on reconsideration of the original determination in Order No. 5340.

The Motion of the Industrial Intervenors for Reconsideration is directed at an Order that is addressed to a previous motion for reconsideration. The Commission's rules contemplate but one round of motions for reconsideration of any particular order.

Thus, the Motion of the Industrial Intervenors is technically deficient and does not comply with established procedures. See e.g. Docket No. 83.9.67, Order No. 5051(h).

In part, the Commission's rules regarding reconsideration are intended to provide a measure of finality to Commission orders.

The problem with accepting a motion to reconsider an order on reconsideration is well-illustrated by this case, where the MCC's Motion for Reconsideration, which is the source of the Intervenor's concerns, was filed with the Commission over 30 days before an Order was issued. If the Industrial Intervenors desired to express their objections to the MCC's proposal on reconsideration, they should have filed a brief in opposition to the MCC's motion, much as MPC has now sought to support the motion of the Industrial Intervenors. Otherwise it would even be possible at this point for the MCC to now request reconsideration of that part of the MCC motion which was denied by the Commission on reconsideration.

Similarly, the Commission's rules governing reconsideration are designed to promote administrative economy and efficiency. A single round of reconsideration requires all interested parties to fully address the issues raised on reconsideration, assuring the Commission that all viewpoints have been expressed prior to making a decision.

The Commission, in its discretion, could waive its rules and consider the motion of the Industrial Intervenors. However, the Commission chooses not to do so. The grounds presented in the motion do not appear to warrant such special consideration.

#### CONCLUSIONS OF LAW

1. All Findings of Fact are hereby incorporated as Conclusions of Law.

2. The Applicant, Montana Power Company, furnishes electric service to consumers in the State of Montana and is a "public utility" under the regulatory jurisdiction of the Montana Public Service Commission. Section 69-3-101, MCA.

3. The Commission properly exercises jurisdiction over the Applicant's rates and operations. Section 69-3-102, MCA and Title 69, Chapter 3, Part 3, MCA.

4. The Commission has provided adequate public notice of all proceedings and the opportunity to be heard to all interested parties in this Docket, Title 2, Chapter 4, MCA.

#### ORDER

THE MONTANA PUBLIC SERVICE COMMISSION HEREBY ORDERS:

1. That the Motion of Industrial Intervenors for Reconsideration of Order No. 5340a, dated July 11, 1988, should be, and is hereby, DISMISSED.

DONE AND DATED this 25th day of July, 1988, by a vote of 4-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

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CLYDE JARVIS, Chairman

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HOWARD L. ELLIS, Commissioner

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TOM MONAHAN, Commissioner

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DANNY OBERG, Commissioner

ATTEST:

Carol Frasier  
Commission Secretary

(SEAL)

NOTE: You may be entitled to judicial review in this matter. Judicial review may be obtained by filing a petition for review within thirty (30) days of the service of this order. Section 2-4-702, MCA.